IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 967 of 1987

Date of Decision: 17.01.2006

National Insurance Company, Rohtak ...Appellant

Vs.

Geeta Devi and Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Deepak Suri, Advocate,
for the appellant.

Mr.Harminderjeet Singh, Advocate,
for the claimant-respondents.

Vinod K.Sharma, J. (Oral)

This appeal has been filed by the Insurance Company against an award passed by the learned Motor Accident Claims Tribunal, Rohtak for short the Tribunal, vide which the respondent-claimants were granted a compensation of Rs.86,400/- along with interest at the rate of 12 per cent per annum from 24.4.1986 in terms of the provisions contained in Section 110 CC of the Motor Vehicles Act, 1939 (for short the Act). The liability to pay the amount of compensation was fixed to be joint and several on the

respondents.

The only contention raised by the learned counsel for the appellant is that the deceased was employed as labourer and therefore, he was not covered under the policy and alternative argument of the learned counsel for the appellant is that compensation has to be paid as envisaged under the Workmen's Compensation Act, and therefore, the compensation awarded is required to be reduced according to Schedule as contained in Workmen's Compensation Act.

These contentions raised by the learned counsel for the appellant was actually raised before the learned Tribunal and in view of the judgments reported as **Santra Bai and others Vs. Pehlad and other (Rajasthan) 1985 A.C.J. 762 (F.B.); United India Insurance Company Ltd. Vs. P.Seethamma and others (Andhra Pradesh) 1985 A.C.J. 840; Sushil Kumar Vs. National Insurance Company Ltd. and others (Punjab & Haryana), 1986-1 P.L.R. 458** and **Abdul Star Qureshi and another Vs. Mehboob and others (Punjab and Haryana) 1986-1 P.L.R. 567** as well as another judgment of this Court in **Surender Kumar Jain Vs. Sukh Dai and others 1986 A.C.J. 848,** these were rejected.

Thus, the award passed by the learned Tribunal is in consonance with the settled law which does not call for any interference by this court.

Dismissed.

(Vinod K.Sharma)
Judge

17.01.2007
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